

SUPPLEMENTAL AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 10/041,669

REMARKS

On September 15, 2004, Applicants received a Communication indicating that the Replacement Specification filed on July 22, 2004, has not been entered because the Amendment did not contain a statement indicating that the amendments to the specification did not contain any new matter. Applicant re-submits herewith the Replacement Specification, as well as the Annotated Marked-Up Specification identifying the amendments, in compliance with 37 C.F.R. § 1.125.

The amendments to the specification do not contain any new matter.

Also, Applicants are presenting the arguments contained in the Amendment dated July 22, 2004, below.

Claims 1-2 and 4-27 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner appears to believe that the “suction unit” is limited to the flat plate 215 based on the specification which sometimes refers to reference number 215 as the “suction plate.” Furthermore, by limiting the meaning of “suction plate” to flat plate 215, the Examiner believes that the flat plate 215 does not have the ability to perform the functions recited in the claims such as opening and closing the suction ports or generating a sucking force (as recited in claim 6). The Examiner appears to believe that the elements in the claim must be able to perform the functions recited therein. Otherwise, the Examiner concludes that the claims are

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unclear because one cannot tell which elements fall within the scope of the claim. Applicant submits that the Examiner's reasoning is incorrect.

First, the rejection is based on 35 U.S.C. § 112, second paragraph. Accordingly, the claims language must clearly demarcate the metes and bounds of the claim. Regardless of the meaning of the term "suction unit," Applicant submits that one skilled in the art would readily know whether or not such functional limitations read on a potential device. Therefore, Applicant submits that the rejection under 35 U.S.C. § 112 is improper.

Second, Applicant submits that the Examiner is unnecessarily limiting the meaning of the term "suction unit." Examiners are to give claims their broadest reasonable interpretation in light of the supporting disclosure, without reading limitations into the claims. See MPEP§ 2106-II(c); *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Here, the Examiner attempts to limit the term "suction unit" to a flat plate having a plurality of ports. While this interpretation is not inconsistent with the specification, it unreasonably limits the scope of the claims. The suction unit can include the flat plate 215 but it can also include other parts such as a fan (or vacuum), shutter, and/or an opening/closing mechanism. This broader interpretation of the term "suction unit" is also consistent with the specification. For example, on page 9, lines 1-10, the term "suction unit" is explained as having a plate member, a shutter and a fan. Similarly, on pages 10-11, the description of Figs. 11 and 13 explains that Figs. 11 and 13 illustrate the "suction unit," and as shown in Figs. 11 and 13, the "suction unit" includes more elements than just the flat plate 215. In addition, claim 13 (which depends from claim 6) states that the "suction unit" of claim 6 comprises a plate member, a shutter and a fan.

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Therefore, Applicant submits that there is ample support for construing the term “suction unit” to include more than just the flat plate 215.

Despite the broad interpretation taught in the specification, the Examiner appears to be confused because reference number 215 is used in the specification to describe the “suction unit.” Therefore, to help overcome the Examiner’s confusion, Applicant has amended the specification to refer to item 215 as “plate member 215” and to eliminate use of reference number 215 with the term “suction unit.” Enclosed herewith is a substitute specification that the term “suction unit” is not limited to the flat plate but also includes other elements which have the ability to perform the functions recited in the claims.

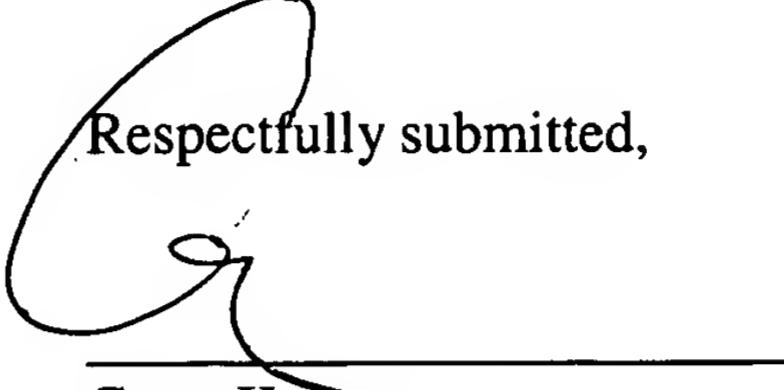
In view of the above remarks, Applicant submits that the claim language clearly demarcate the metes and bounds of the claim as required under 35 U.S.C. § 112. Therefore, Applicant requests that the rejection of claims 1-2 and 4-27 under 35 U.S.C. §112 be reconsidered and withdrawn.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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CUSTOMER NUMBER

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